

Status of Claims

Claims 1 – 20 and 22 – 29 are pending.

Claims 1 – 20 and 22 – 29 stand rejected.

Claims 24-25 are canceled herein without prejudice or disclaimer.

Claims 1, 14, 26, 27 and 28 are amended herein.

Remarks/Arguments

Reconsideration of this application is requested in view of the following remarks and accompanying amendments.

Claim Rejections – 35 U.S.C. § 103

Claims 1-20 and 22-27 stand rejected under 35 U.S.C. § 103 as being unpatentable over the three reference combination of Zigmond et al. (U.S. patent 6,698,020) in view of Schaffer (U.S. patent 7,051,352) and further in further view of Ali (U.S. published application 2002/0199194). Applicants' respectfully disagree with and traverse this rejection, however, in the interest of expedited prosecution, Applicants' have amended claim 1 without prejudice and respectfully traverse the present rejection for at least the following reasons.

Regarding claim 1, the Office action asserts that “the limitation calls for “...using one or more hidden or associated program traits.” The nature of the claim language lets the examiner choose one of the two types of program traits. As shown...Ali teaches ‘...using one or more hidden program traits’.”

In response, claim 1 has been amended to remove the term “hidden traits” and to further recite, in relevant part, “associated program traits”, wherein “the associated program traits being combined with other known program traits so as to generate new program traits”

representative of said viewer's degree of preference of a program according to a regression analysis of the viewing habits of the particular viewer over time."

Support may be found throughout the specification, including by way of example only, paragraphs [0087]-[0094]. The cited combination of references fails to teach each of the features recited in present claim 1.

Ali discloses calculating correlation factors by measuring the correlation of many users' ratings of programs. As the Examiner states on page 12 of the Office action, Ali: the collaborative analysis takes many users' profiles with data in the past and obtain values that did not exist before the analysis, correlation values, between pairs of programs. This correlation values help to improve the viewer's preference." Assuming *arguendo* the Examiner's above characterization of Ali is correct, clearly Ali does not teach the limitation of generating "new program traits representative of said viewer's degree of preference of a program *according to a regression analysis of the viewing habits of the particular viewer over time*".

Moreover, a detailed reading shows associated program traits include traits that provide greater predictive accuracy of a user's viewing habits than simply the combination of the individual traits. Associated program traits cannot be calculated by observing the input of other users in the way that the correlation factors of Ali are calculated. In contrast to the correlation factors of Ali, the associated trait representing a certain user's liking of a specific show has to be refined by regression analysis of that specific user's habits rather than simply observing the correlation of traits in the viewing habits of many users. As explained in paragraph [0087], if only the liking for the individual traits of the user are considered, a user's preference for a specific show on a specific channel, or any other anomalous liking trait specific to that user for that matter, would be unexplainable. The disclosure of Ali fails to

address this problem and fails to teach or suggest the improved method of the claimed invention.

Accordingly, Ali fails to cure the deficiencies of the primary reference Zigmond in combination with the secondary reference Schaffer. Withdrawal of this 35 U.S.C. § 103 rejection is requested. Applicant also requests reconsideration and removal of the rejections of claims 2-13 at least by virtue of these claims' ultimate dependence patentable base claim 1.

Dependent claim 26 has been amended to depend from patentably distinct base claim 1 and to further recite that the regression analysis results in the introduction of one or more additional traits used to improve the determination of the viewer's preference *when an average error value between the selected program and one or predicted programs determined in the regression process does not converge to a given value*. Support for these additional features may be found in paragraphs [0091]-[0094] by way of example only.

In contradistinction, Ali discloses a system that keeps a tally of how often a feature of an item occurs in a population of related items, and the rating given to the item by the user (*see*, paragraphs [0076]-[0088]). The disclosure of Ali, however, only discloses using a method for inferring feature ratings based on *predefined attributes* (*see*, e.g. paragraphs [0082], [0088]). In contrast, the regression analysis disclosed in the present invention beneficially introduces *additional associated traits, to improve the determination of a viewer's preferences if the error identified in the regression process does not converge to 0 or some other acceptable value*. The references Zigmond, Schaffer, and Ali, each separately and in combination, fail to teach, suggest, or disclose the beneficial regression process recited in claims 1, 14, 26, 27 and 28. Reconsideration and removal of these 35 U.S.C. § 103 rejections is respectfully requested.

Independent claim 14 recites features and limitations similar to those identified above with respect to claim 1 and is likewise patentable for at least the foregoing reasons. Reconsideration and removal of the rejection of claim 14 is requested.

Applicant also requests reconsideration and removal of the rejections of claims 15-20, 22, and 23, at least by virtue of these claims' ultimate dependence from patentably distinct base claim 14. Dependent claim 27 has been amended to depend from patentably distinct base claim 14 and to recite features and limitations analogous to those of independently patentable claim 26. Accordingly, reconsideration and allowance of claim 27 is requested.

Claims 28-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over the four reference combination of Zigmond et al. (U.S. patent 6,698,020) in view of Schaffer (U.S. patent 7,051,352) and further in further view of Ali (U.S. published application 2002/0199194) and further in view of Maissel et al. (U.S. published application 2003/0088872). Applicants' respectfully disagree with and traverse this rejection, however, in the interest of expedited prosecution, independent claim 28 has been amended in similar fashion to patentable independent claim 1 and is likewise patentable. Dependent claim 29 recite additional features of the present invention including creating multiple profiles corresponding to multiple viewers and is also patentable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession

of unpatentability of the claim prior to its amendment.

Conclusion

Applicants believe they have addressed all outstanding grounds raised by the examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the examiner is cordially invited and requested to contact applicant's undersigned attorney at his number listed below.

Respectfully submitted,

/Edward J. Howard/

Edward J. Howard
Registration No. 42,670

Date: __ March 8, 2010 _____

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
March 8, 2010
609-734-6809